

DOUGLAS H. BOSCO (#50160)
Law Offices of Douglas H. Bosco
37 Old Courthouse Square, Suite 200
Santa Rosa, CA 95404
Telephone: (707) 525-8899
Facsimile: (707) 542-4752

DANIEL F. CROWLEY (#130261)
Daniel Crowley & Associates
37 Old Courthouse Square, Suite 200
Santa Rosa, CA 95404
Telephone: (707) 525-8899
Facsimile: (707) 542-4752

CHRISTOPHER J. NEARY (#69220)
JENNIFER M. O'BRIEN (#278821)
NEARY and O'BRIEN
110 South Main Street, Suite C
Willits, CA 95490
Telephone: (707) 459-5551
Facsimile: (707) 459-3018

Attorneys for Plaintiff, Cross-Defendant and Cross-Complainant
BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SONOMA

BROOKTRAILS TOWNSHIP COMMUNITY
SERVICES DISTRICT, a Public Agency,

Case No. SCV 253175

Plaintiff,

DISCLOSURE OF EXPERT
WITNESS; DECLARATION
RE EXPERT WITNESS
INFORMATION

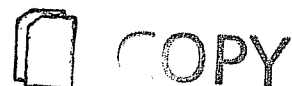
[C.C.P. Section 2034.310, *et. seq.*]

CITY OF WILLITS, a General Law City;
and DOES 1 through 100, inclusive,

Defendants.

AND RELATED CROSS ACTION

RECEIVED MAR 28 2014



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2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

3 Pursuant to the provisions of CCP Section 2034.260, BROOKTRAILS TOWNSHIP
4 COMMUNITY SERVICES DISTRICT hereby designates the following experts, expressly
5 reserving the right to supplement or augment this Declaration:
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7 **RETAINED EXPERTS**

8 **William W. Holder**

9 University of Southern California
10 Leventhal School of Accounting
11 Los Angeles, California 90089-0441
12 (213) 740-4855

13 Dr. Holder is Dean of the Leventhal School of Accounting, University of
14 Southern California, and former member of the Governmental Accounting Standards
15 Board (GASB) from 2000 – 2010. His Curriculum Vitae is attached. He is expected to
16 testify as to the nature of municipal accounting in conformity with generally accepted
17 accounting principles; that delays in presenting financial reports materially affects the
18 decision utility of such reports; that allocation of costs to “sewer operations” and the
19 basis of allocation of administrative to sewer operations may not be in accordance with
20 generally accepted accounting principles; that the annual report submitted by the City
21 of Willits to Brooktrails Township utilizes a questionable materiality threshold; and
22 related matters to the financial reporting by the City of Willits to Brooktrails. Dr.
23 Holder has agreed to testify at trial and will be sufficiently familiar with the pending
24 action to provide a meaningful oral deposition concerning the specific testimony that he
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1 is expected to give at trial including any opinions and the basis for such opinions. Dr.
2 Holder's hourly fee is \$750 per hour with a daily minimum of \$3000. Dr. Holder has
3 not prepared any discoverable reports
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5 **John N. Deboice, P.E., PhD.**
6 317 Third Street, 2d Fl.
7 Eureka, Ca. 95501
8 (707) 445-2042

9 Dr. Deboice is a professional engineer and holds a PH.D in sanitary engineering.
10 His Curriculum Vitae is attached. He is expected to testify as to the design,
11 construction and capacity of the Willits Wastewater Treatment Plant, the importance of
12 factoring inflow and infiltration into the design of a wastewater treatment facility, the
13 nature and status of the Brooktrails program initiated in 2001 to control inflow and
14 infiltration and the success of such program, and to express an opinion as to the flows
15 of the City of Willits relative to the existing respective assignments of dry weather flow
16 capacity between the City of Willits; issues related to the capacity of the Willits
17 Wastewater Treatment Plant; and the wastewater treatment plant regulatory and
18 permitting process. Dr. Deboice has agreed to testify at trial and will be sufficiently
19 familiar with the pending action to provide a meaningful oral deposition concerning the
20 specific testimony that he is expected to give at trial including any opinions and the
21 basis for such opinions. Dr. Deboice's hourly rate is \$500 per hour and his minimum
22 daily rate is \$2000 per hour for providing deposition testimony and for consulting with
23 the retaining attorneys. Dr. Deboice has not prepared any discoverable reports.
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2 **Dean Chapman**

3 Dean Chapman & Associates
4 108 Clubhouse Terrace
5 Danville, Ca. 94526
6 (925) 831-1311

7 Dean Chapman is a member of the Appraisal Institute. His Curriculum Vitae is
8 attached. He is expected to testify that the appraiser used by the City of Willits to
9 validate the price paid for the Niesen property was not qualified to conduct the
10 appraisal and that the City's appraiser did not utilize recognized or acceptable appraisal
11 standards; and also to testify as to the value of the Niesen Property as of October 2003
12 valued in accord with the standards for appraising property for acquisition by a public
13 entity through exercise of eminent domain. Mr. Chapman has agreed to testify at trial
14 and will be sufficiently familiar with the pending action to provide a meaningful oral
15 deposition concerning the specific testimony that he is expected to give at trial
16 including any opinions and the basis for such opinions. Mr. Chapman's hourly and
17 daily fee for providing deposition testimony and for consulting with the retaining
18 attorneys is \$ 325 per hour. Mr. Chapman has prepared two discoverable reports; a
19 Desk Review of the appraisal report prepared by Phil A. Cessna on behalf of the City of
20 Willits, and a complete Summary Report as to the value of property commonly known
21 as the Niesen 125 acre property and also referred to as Mendocino County Assessor's
22 Parcel No. 108-040-03, and herein referred to as the "Niesen Property" both reports
23 being attached hereto.
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3 **Mark Vogel**

4 761 South State Street

5 Ukiah, Ca. 95482

6 (707) 462-2303

7 Mr. Vogel is a registered civil engineer. His resume is attached. Mr. Vogel is
8 expected to testify as to the portion of Mendocino County Assessor's Parcel No. 108-
9 040-03 utilized for construction of the City of Willits Wastewater Treatment Plant and
10 its calculation as being 16.6 acres for the wetlands and 2.0 acres for the area utilized by
11 the plant.. Mr. Vogel has agreed to testify at trial and will be sufficiently familiar with
12 the pending action to provide meaningful oral deposition concerning the specific
13 testimony that he is expected to give at trial including any opinions and the basis for
14 such opinions. Mr. Vogel's hourly rate for providing deposition is \$ 250 per hour. Mr.
15 Vogel has prepared a preliminary report in the form of display map, but has prepared
16 no discoverable report.
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20 **Donald G. McEdwards**

21 1025 Hearst-Willits Road

22 Willits, Ca. 95490

23 (707) 459-1086

24 Dr. McEdwards is a Registered Geologist, a Certified Engineering
25 Geologist, Registered Civil Engineer, Certified Hydrogeologist, Class A General
26 Engineering Contractor with a Ph.D. in Engineering Science from the University of
27 California, Berkley. Dr. McEdwards is expected to testify as to the characteristics of the
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1 Willits Wastewater Plant as designed and as constructed, the impact of inflow and
2 infiltration, the operation of the Willits Wastewater Treatment Plant in fact and as
3 permitted, the hydrology of the Little Lake Valley and to express an opinion as to
4 whether the Willits Wastewater Treatment Plant constitutes overdesign. Mr. Vogel has
5 agreed to testify at trial and will be sufficiently familiar with the pending action to
6 provide meaningful oral deposition concerning the specific testimony that he is
7 expected to give at trial including any opinions and the basis for such opinions. Dr.
8 McEdwards' hourly rate for providing deposition is \$ 285 per hour. Other than a partial
9 report which is attached hereto, Dr. McEdwards has not prepared any discoverable
10 report.
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14 **Richard Ingram, P.E.**

15 Aviation Blvd. Suite 120
16 Santa Rosa, Ca. 95403
17 (707) 576-1322

18 Mr. Ingram is a registered civil engineer. Mr. Ingram is expected to testify that
19 the meter measuring gross flows as required by the Contract between the parties,
20 installed in connection with the new wastewater treatment plant is insufficient to
21 measure expected flows into the plant; the wastewater treatment plant permitting and
22 regulatory process, and the characteristics of the Willits Wastewater Treatment Plant.
23 Mr. Ingram has agreed to testify at trial and will be sufficiently familiar with the
24 pending action to provide meaningful oral deposition concerning the specific testimony
25 that he is expected to give at trial including any opinions and the basis for such
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1 opinions. Mr. Ingram's hourly rate for providing deposition is \$ 300 per hour. Mr.
2 Ingram has prepared a report dated October 13, 2013 which is attached.
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5 **Michael Phelan**

6 Mr. Phelan possesses a Master's degree in Public Administration awarded by the
7 University of Kansas in 1973. He has worked as Assistant City Manager for the City of
8 Albany, City Manager of the City of Belvedere, General Manager of the Stinson Beach
9 County Water District and General Manager of the Rio Linda/Elverta Community
10 Water District, General Manager, Interim General Manager and Transition Facilitator of
11 Brooktrails Township. Mr. Phelan is expected to testify as to the practices of municipal
12 administration including the administration of public projects and specifically how the
13 Brown Act interfaces with governmental decision making and how the California
14 Environmental Quality Act interfaces with the administration of public projects and the
15 acquisition of land for public projects. . Mr. Phelan has agreed to testify at trial and
16 will be sufficiently familiar with the pending action to provide meaningful oral
17 deposition concerning the specific testimony that he is expected to give at trial
18 including any opinions and the basis for such opinions. Mr. Phelan's hourly rate for
19 providing deposition is \$ 75.00 per hour.
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25 **Robert Mulish**

26 24860 Birch Street
27 Brooktrails, Ca. 95490
28 (707) 459-2494

1 Mr. Mulish has 13 years of experience managing a wastewater collection system.
2 He has been the Superintendent of Utilities of Brooktrails Township since 2003. He
3 holds a T-4 and D-3 certificate issued by the Department of Public Health. Mr. Mulish
4 is expected to testify as to the nature of inflow and infiltration, and how it is effectively
5 controlled and the effectiveness of the Brooktrails program to control inflow and
6 infiltration as a result of a program instituted in 2001. Mr. Mulish has agreed to testify
7 at trial and will be sufficiently familiar with the pending action to provide meaningful
8 oral deposition concerning the specific testimony that he is expected to give at trial
9 including any opinions and the basis for such opinions. Mr. Mulish will not charge for
10 his deposition testimony.
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15 NON-RETAINED EXPERTS

16 Lisa Bernard
17 5550 Skylane Blvd. Suite A
18 Santa Rosa, Ca. 95403
19 (707)-576-2220

20 Bruce Burton
21 DPH 916-558-1784

22 Paul Caylor
23 124 N. Cloverdale Blvd.
24 Cloverdale, Ca. 95425
(707) 894-2521

25 Phil Cessna
26 P.O. Box 33
27 Williams, Ca. 95987
28

1 Steve Donovan
2 275 Market Avenue
3 Coos Bay, Or. 97420
4 (541) 266-9890

5 John Franklin
6 % 335 South Main Street
7 Willits, Ca. 95490
8 (707-459-4518

9 Patricia Frost
10 20070 Hollands Lane
11 Willits, California 95490
12 (707) 459-3337

13 John Hannum
14 5550 Skylane Blvd. Suite A
15 Santa Rosa, Ca. 95403
16 (707)-576-2220

17 George Williamson
18 1125 16th Street, Suite 8260
19 Arcata, Ca. 95521
20 (707) 825-8260

21 Tom Herman
22 335 South Main Street
23 Willits, Ca. 95490
24 (707)459-4518

25 Emmett Jones
26 % Mendocino College
27 1000 Hensley Creek Road
28 Ukiah, Ca. 95482

Tom Mannatt
City of Willits
111 E. Commercial Street
Willits , Ca. 95490

1 (707)459-4601

2
3
4 Scott Miller
5 525 Market Street, 17th Floor
6 San Francisco, Ca. 94105

7 (415) 433-0990
8 Roy O'Connor
9 5550 Skylane Blvd. Suite A
10 Santa Rosa, Ca. 95403
(707)-576-2220

11 Michael O'Connor
12 1000 Fourth Street, Suite 725
13 San Rafael, Ca. 94901
(415)-457-1215

14 John Short
15 % 5550 Skylane Blvd. Suite A
16 Santa Rosa, Ca. 95403
17 (707)-576-2220

18
19 Anthony Trili
20 Address Unknown

21 Ross Walker
22 Address Unknown

23 Diana Steele
24 100 N. Pine Street
25 Ukiah, Ca. 95482
(707) 462-6536

26 Lori Mayo
27 3501 Ridgewood Road
28 Willits, Ca. 95490

1 (707) 459-5739

2

3

4 Mike Veach

812 W. Wabash Ave.

5 Eureka, Ca. 95501

6 (707)441-8855

7

8 Mike Chapman

72 Westridge Road

9 Durango, Co. 81303

10 (970) 259-4104

11 Tom Dunbar

12 % 5550 Skylane Blvd. Suite A

13 Santa Rosa, Ca. 95403

14 (707)-576-2220

15 J.C. England

111 E. Commercial Street

16 Willits, Ca. 95490

17 (707)459-4601

18 Joanne Cavallari

19 124 N. Cloverdale Blvd.

20 Cloverdale, Ca. 95425

21 (707) 894-2521

22 Jeff Anderson

P.O. Box 841

23 Arcata, Ca. 95518

24 (707) 822-5444

25 Susan Foreman

26 812 W. Wabash Ave.

27 Eureka, Ca. 95501

28 (707)441-8855

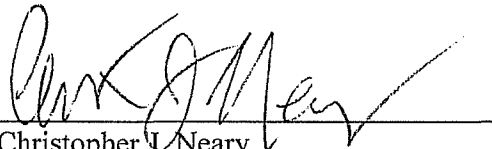
1 Richard Azevedo
2 5550 Skylane Blvd. Suite A
3 Santa Rosa, Ca. 95403
4 (707)-576-2220

5 John Ford
6 2250 Hearst-Willits Road
7 Willits, Ca. 95490
8 (707) 459-5193

9 Jane Valerius
10 152 Weeks Way
11 Sebastopol, Ca. 95472
12 (707) 829-2487

13 Dated: March 26, 2014

14 NEARY AND O'BRIEN

15 By: 
16 Christopher J. Neary
17 Attorney for Plaintiff Brooktrails
18 Community Service District

19 DECLARATION OF C.J. NEARY

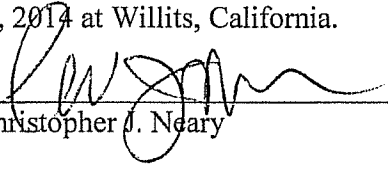
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21 I, CHRISTOPHER J. NEARY declare as follows:

- 22 1. I am an attorney of record in this action for BROOKTRAILS TOWNSHIP COMMUNITY
23 SERVICES DISTRICT, Plaintiff, Cross-Defendant and Cross-Cross Plaintiff, "Brooktrails."
24
25 2. The foregoing disclosure of Expert witnesses is a list of persons constituting retained
26 experts whose opinion testimony BROOKTRAILS intends to offer at trial of this action either
27 orally or by deposition testimony, and a list of non-retained experts BROOKTRAILS may
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1 offer at trial, either orally or by deposition testimony.
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3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

5 Executed this 26th day of March, 2014 at Willits, California.

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7 Christopher J. Neary
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